

***United States Court of Appeals
for the Second Circuit***



APPENDIX

75-7644

UNITED STATES CIRCUIT COURT OF APPEALS, SECOND CIRCUIT

BUILD OF BUFFALO, INC., HELENE P. SNELL,
MARY M. HALL, SHERYL BURCH, ELLA QUINN,
DONNEE C. HILL, JEANETTE SHROPSHIRE and
ELDA McKINNON, Individually and on
behalf of all others similarly situated

Plaintiffs-Appellants

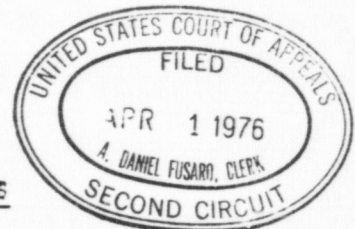
-VS-

Second Circuit
Docket No. 75-7644

BOARD OF EDUCATION OF THE CITY OF BUFFALO,
NEW YORK, et al.,

Defendant-Respondent

APPENDIX FOR PLAINTIFFS



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I N D E X

	Page
N.Y.S. EDUCATION LAW, SEC. 2573(10-a) -----	1
28 U.S. CODE, SEC. 2281 -----	3
42 U.S. CODE, SEC. 1981-----	4
42 U.S. CODE, SEC. 1983 -----	4
42 U.S. CODE, SEC. 2000e(b) -----	5
42 U.S. CODE, SEC. 2000e-2(a)(1) -----	5
U.S. CONST., AMEND. XIV SEC. I -----	7
N.Y.S. CONST. ART. I, SEC. II -----	8
N.Y.S. CONST. ART. 6, SEC. VI -----	8
FED. RULES OF CIV. PRO., 23(a)&23(b) -----	10
N.Y.S. ED. LAW, SEC. 3001 -----	12
N.Y.S. ED. LAW, SEC. 3204(2) -----	13
29 CFR 1607 -----	14
N.Y.S. CIV. SERV. LAW, SEC. 35(g) -----	20
N.Y.S. EDUCATION LAW, SEC. 2573(5) -----	21
N.Y.S. EDUCATION LAW, SEC 2509 -----	22
REPORT OF BD. OF ED. OF BFL., N.Y. ---	"Distribution of Staff by Activity Assignment Sex, and Racial-Ethnic Groups 1974-75"

NEW YORK STATE EDUCATION LAW SECTION 2573 (10-a)

Section 2573(10-a) Appointment of assistant, district or other employees; their salaries, etc.

In a city having a population of four hundred thousand and less than one million it shall be the duty of the superintendent of schools, at the direction of the board of education, to hold examinations whenever necessary, to examine all applicants who are required to have their names placed upon eligible lists for appointment in the schools of such cities and to prepare all necessary eligible lists. Eligible lists shall not be merged and one eligible list shall be exhausted before nominations are made from a list of subsequent date. No eligible list shall remain in force for a longer period than three years. Recommendations for appointment to the instructional service, except for the position of superintendent of schools, associate superintendent, assistant superintendent, director, supervisor, principal, head of department, executive assistant to the superintendent, or any other office or position of the rank of supervisor or above, shall be from the first three persons of an appropriate eligible list so prepared. The board of education, on the recommendation of the superintendent of schools, shall designate, subject to the other provisions of this chapter, the kind and grade of licenses which shall be required for any position of the teaching staff, together with the academic and professional qualifications required for each

kind or grade of license. No person required to have a license under the provisions of this chapter in order to be employed in a position who does not have such license shall have any claim for salary, except that a person who has been assigned to teach in a subject or field not specifically covered in his license but on the same rank or level of service shall be entitled to his salary. Notwithstanding any other provisions of this chapter, the superintendent of schools may establish continuing eligible lists for any classes of teaching positions for which examinations are required and for which he finds inadequate numbers of well qualified persons available for recruitment. Names of eligibles shall be inserted in such list from time to time in the rank corresponding to their final rating as they are tested and found qualified in examinations held at such intervals as the superintendent of schools may prescribe. Successive examinations shall, so far as practicable, be constructed and rated so as to be equivalent tests of the merit and fitness of candidates. The period of eligibility of successful candidates on continuing eligible lists shall be in accordance with the provisions of this paragraph.

28 UNITED STATES CODE, SECTION 2281

Injunction against enforcement of State statute-Three-judge court required.

An interlocutory or permanent injunction restraining the enforcement, operation or execution of any State statute by restraining the action of any officer of such State in the enforcement or execution of such statute or of an order made by an administrative board or commission acting under State statutes, shall not be granted by any district court or judge thereof upon the ground of the unconstitutionality of such statute unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.

42 UNITED STATES CODE, SECTION 1981

Equal rights under the law.

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

42 UNITED STATES CODE, SECTION 1983

Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

42 UNITED STATES CODE, Section 2000e(b)

EMPLOYER

(b) The term "employer" means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, or corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of Title 5 of the United States Code), or (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954, except that during the first year after the date of enactment of the Equal Employment Opportunity Act of 1972, persons having fewer than twenty-five employees (and their agents) shall not be considered employers.

42 UNITED STATES CODE, SECTION 2000e-2(a) (1)

UNLAWFUL PRACTICES OF EMPLOYERS

(a) It shall be an unlawful employment practice for an employer

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of

employment, because of such individual's race, color, religion,
sex or national origin; or

UNITED STATES CONSTITUTION, AMENDMENT XIV SECTION I

Citizenship rights not to be abridged by states

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

NEW YORK STATE CONSTITUTION ARTICLE I, SECTION II
EQUAL PROTECTION OF LAWS: DISCRIMINATION IN CIVIL RIGHTS
PROHIBITED

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his civil rights by any person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

NEW YORK STATE CONSTITUTION ARTICLE 6, SECTION VI
CIVIL SERVICE APPOINTMENTS AND PROMOTIONS: VETERANS' PREFERENCE
AND CREDITS

Appointments and promotions in the civil service of the state and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive; provided, however, that any member of the armed forces of the United States who served therein in time of war, who is a citizen and resident of this state and was a resident at the time of his entrance into the armed forces of the United States and was honorably discharged or released under honorable circumstances from such service, shall be entitled to receive five points additional credit in a competitive

examination for original appointment and two and one-half points additional credit in an examination for promotion or, if such member was disabled in the actual performance of duty, in any war is receiving disability payments therefor from the United States veterans administration, and his disability is certified by such administration to be in existence at the time of his application for appointment or promotion, he shall be entitled to receive ten points additional credit in a competitive examination for original appointment and five points additional credit in an examination for promotion. Such additional credit shall be added to the final earned rating of such member after he has qualified in an examination and shall be granted only at the time of establishment of an eligible list. No such member shall receive the additional credit granted by this section after he has received one appointment, either original entrance or promotion, from an eligible list on which he was allowed the additional credit granted by this section.

FEDERAL RULES OF CIVIL PROCEDURE, 23(a) & 23(b)

Rule 23. Class actions.-(a) Representation.

If persons constituting a class are so numerous as to make it impracticable to bring them all before the court, such of them, one or more, as will fairly insure the adequate representation of all may, on behalf of all, sue or be sued, when the character of the right sought to be enforced for or against the class is

(1) joint, or common, or secondary in the sense that the owner of a primary right and a member of the class thereby becomes entitled to enforce it;

(2) several, and the object of the action is the adjudication of claims which do or may affect specific property involved in the action; or

(3) several, and there is a common question of law or fact affecting the several rights and a common relief is sought.

Rule 23.(b) Secondary action by shareholders.

In an action brought to enforce a secondary right on the part of one or more shareholders in an association, incorporated or unincorporated, because the association refuses to enforce rights which may properly be asserted by it, the complaint shall be verified by oath and shall aver (1) that the plaintiff was a shareholder at the time of the transaction of which he complains or that his share thereafter devolved on him by operation of law and (2) that the action

is not a conclusive one to confer on a court of the United States jurisdiction of any action of which it would not otherwise have jurisdiction. The complaint shall also set forth with particularity the efforts of the plaintiff to secure from the managing directors or trustees and, if necessary, from the shareholders such action as he desires, and the reasons for his failure to obtain such action or the reasons for not making such effort.

NEW YORK STATE EDUCATION LAW SECTION 3001

Qualifications of teachers

1. Under the age of eighteen years.
2. Not in possession of a teacher's certificate issued under the authority of this chapter or a diploma issued on the completion of a course in a state college for teachers or state teachers college of this state.

The provisions of this subdivision shall not prohibit a certified teacher from permitting a practice or cadet teacher enrolled in an approved teacher education program from teaching a class without the presence of the certified teacher in the classroom provided the classroom teacher is available at all times and retains supervision of the practice or cadet teacher. The number of certified teachers shall not be diminished by reason of the presence of cadet teachers.

3. Not a citizen. The provisions of this subdivision shall not apply, however, to an alien teacher now or hereafter employed, provided such teacher shall make due application to become a citizen and thereafter within the time prescribed by law shall become a citizen. The provisions of this subdivision shall not apply, after July first, nineteen hundred sixty-seven, to an alien teacher employed pursuant to regulations adopted by the commissioner of education permitting such employment.

NEW YORK STATE EDUCATION LAW SECTION 3204(2)

Instruction required

Quality and language of instruction; text-books.

Instruction may be given only by a competent teacher. In the teaching of the subjects of instruction prescribed by this section, English shall be the language of instruction, and text-books used shall be written in English, except that for a period of three years, which period may be extended by the commissioner with respect to individual pupils, upon application therefor by the appropriate school authorities, to a period not in excess of six years, from the date of enrollment in school, pupils who, by reason of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English, may in the discretion of the board of education, board of trustees or trustee, be instructed in all subjects in their native language and in English. Instructions given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.

Equal Employment Opportunity Commission

Testing and Selecting Employees Guidelines

¶ 4010

The "Guidelines on Employment Testing Procedures," originally adopted by the Equal Employment Opportunity Commission on August 24, 1966, were superseded and enlarged upon by the "Guidelines on Employment Selection Procedures," which were codified on July 21, 1970 (29 CFR 1607), effective upon publication in the Federal Register on August 1, 1970 (35 F. R. 12333). Title 29—Labor, Chapter XIV, Part 1607, Sections 1607.1 to 1607.14.*

Table of Contents

Section		Paragraph
1607.1	Statement of Purpose	4010.1
1607.2	"Test" Defined	4010.2
1607.3	Discrimination Defined	4010.3
1607.4	Evidence of Validity	4010.4
1607.5	Minimum Standards for Validation	4010.5
1607.6	Presentation of Validity Evidence	4010.6
1607.7	Use of Other Validity Studies	4010.7
1607.8	Assumption of Validity	4010.8
1607.9	Continued Use of Tests	4010.9
1607.10	Employment Agencies and Employment Services	4010.10
1607.11	Disparate Treatment	4010.11
1607.12	Retesting	4010.12
1607.13	Other Selection Techniques	4010.13
1607.14	Affirmative Action	4010.14

[¶ 4010.1]

Section 1607.1. Statement of Purpose.—

(a) The guidelines in this part are based on the belief that properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory personnel policies, as required by Title VII. It is also recognized that professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and, indeed, aid in the utilization and conservation of human resources generally.

(b) An examination of charges of discrimination filed with the Commission and an evaluation of the results of the Commission's compliance activities has revealed a decided increase in total test usage and a marked increase in doubtful testing practices which, based on our experience, tend to have discriminatory effects. In many cases, persons have come to rely almost exclusively on tests as the basis for making the decision to hire, transfer, promote, grant membership, train, refer or retain, with the result

that candidates are selected or rejected on the basis of a single test score. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

It has also become clear that in many instances persons are using tests as the basis for employment decisions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking demonstrated validity (i. e., having no known significant relationship to job behavior) and yielding lower scores for classes protected by Title VII may result in the rejection of many who have necessary qualifications for successful work performance.

(c) The guidelines in this part are designed to serve as a workable set of standards for employers, unions and employment agencies in determining whether their selection procedures conform with the obligations

* Authority: The provisions of this Part 1607 issued under Sec. 715, 78 Stat. 265, 42 U. S. C. § 2000e-12.

contained in Title VII of the Civil Rights Act of 1964. Section 703 of Title VII places an affirmative obligation upon employers, labor unions, and employment agencies, as defined in section 701 of the Act, not to discriminate because of race, color, religion, sex, or national origin. Subsection (h) of section 703 allows such persons " * * * to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin."

[¶ 4010.2]

Sec. 1607.2. "Test" Defined.—For the purpose of the guidelines in this part, the term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. The guidelines in this part apply, for example, to ability tests which are designed to measure eligibility for hire, transfer, promotion, membership, training, referral or retention. This definition includes, but is not restricted to, measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or temperament. The term "test" includes all formal, scored, quantified or standardized techniques of assessing job suitability including, in addition to the above, specific qualifying or disqualifying personal history or background requirements, specific educational or work history requirements, scored interviews, biographical information blanks, interviewers' rating scales, scored application forms, etc.

[¶ 4010.3]

Sec. 1607.3. Discrimination Defined.—The use of any test which adversely affects hiring, promotion, transfer or any other employment or membership opportunity of classes protected by Title VII constitutes discrimination unless: (a) the test has been validated and evidences a high degree of utility as hereinafter described, and (b) the person giving or acting upon the results of the particular test can demonstrate that alternative suitable hiring, transfer or promotion procedures are unavailable for his use.

[¶ 4010.4]

Sec. 1607.4. Evidence of Validity.—(a) Each person using tests to select from among candidates for a position or for membership shall have available for inspection

evidence that the tests are being used in a manner which does not violate § 1607.3. Such evidence shall be examined for indications of possible discrimination, such as instances of higher rejection rates for minority candidates than nonminority candidates. Furthermore, where technically feasible, a test should be validated for each minority group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

(b) The term "technically feasible" as used in these guidelines means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, the opportunity to obtain unbiased job performance criteria, etc. It is the responsibility of the person claiming absence of technical feasibility to positively demonstrate evidence of this absence.

(c) Evidence of a test's validity shall consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

(1) If job progression structures and seniority provisions are so established that new employees will probably, within a reasonable period of time and in a great majority of cases, progress to a higher level, it may be considered that candidates are being evaluated for jobs at that higher level. However, where job progression is not so nearly automatic, or the time span is such that higher level jobs or employees' potential may be expected to change in significant ways, it shall be considered that candidates are being evaluated for a job at or near the entry level. This point is made to underscore the principle that attainment of or performance at a higher level job is a relevant criterion in validating employment tests only when there is a high probability that persons employed will in fact attain that higher level job within a reasonable period of time.

(2) Where a test is to be used in different units of a multiunit organization and no significant differences exist between units, jobs, and applicant populations, evidence obtained in one unit may suffice for the others. Similarly, where the validation process requires the collection of data throughout a multiunit organization, evidence of validity specific to each unit may not be required. There may also be in-

stances where evidence of validity is appropriately obtained from more than one company in the same industry. Both in this instance and in the use of data collected throughout a multiunit organization, evidence of validity specific to each unit may not be required: *Provided*, That no significant differences exist between units, jobs, and applicant populations.

¶ 4010.5

Sec. 1607.5. Minimum Standards for Validation.—(a) For the purpose of satisfying the requirements of this part, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals" published by American Psychological Association, 1200 17th Street NW., Washington, D.C. 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. However, evidence for content or construct validity should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content (in the case of job knowledge or proficiency tests) or the construct (in the case of trait measures). Evidence of content validity alone may be acceptable for well-developed tests that consist of suitable samples of the essential knowledge, skills or behaviors contemplated here do not include those which can be acquired in a brief orientation to the job.

(b) Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity.

(1) Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidate group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample

must be representative of the minority groups currently included in the applicant population. If it is not technically feasible to include minority employees in validation studies conducted on the present work force, the conduct of a validation study without minority candidates does not relieve any person of his subsequent obligation for validation when inclusion of minority candidates becomes technically feasible.

(2) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to insure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures. Copies of tests and test manuals, including instructions for administration, scoring, and interpretation of test results, that are privately developed and/or are not available through normal commercial channels must be included as a part of the validation evidence.

(3) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal form(s) and instructions to the rater(s) must be included as a part of the validation evidence. Such criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

(4) In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, as, when, as new employees, they have had less opportunity to learn job skills. The general point is that all criteria need to be examined to insure freedom from factors which would unfairly depress the scores of minority groups.

(5) Differential validity. Data must be generated and results separately reported for minority and nonminority groups whenever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on

Employment Practices

¶ 4010.5

other groups will be regarded as only provisional compliance with these guidelines pending separate validation of the test for the minority group in question. (See § 1607.9). A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, cutoff scores must be set so as to predict the same probability of job success in both groups.

(c) In assessing the utility of a test the following considerations will be applicable:

(1) The relationship between the test and at least one relevant criterion must be statistically significant. This ordinarily means that the relationship should be sufficiently high as to have a probability of no more than 1 to 20 to have occurred by chance. However, the use of a single test as the sole selection device will be scrutinized closely when that test is valid against only one component of job performance.

(2) In addition to statistical significance, the relationship between the test and criterion should have practical significance. The magnitude of the relationship needed for practical significance or usefulness is affected by several factors, including:

(i) The larger the proportion of applicants who are hired for or placed on the job, the higher the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few job vacancies are available;

(ii) The larger the proportion of applicants who become satisfactory employees when not selected on the basis of the test, the higher the relationship needs to be between the test and a criterion of job success for the test to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few applicants turn out to be satisfactory;

(iii) The smaller the economic and human risks involved in hiring an unqualified applicant relative to the risks entailed in rejecting a qualified applicant, the greater the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when the former risks are relatively high.

¶ 4010.6

Sec. 1607.6. Presentation of Validity Evidence.—The presentation of the results

¶ 4010.6

of a validation study must include graphical and statistical representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior. (See § 1607.5(c) concerning assessing utility of a test.) Average scores for all tests and criteria must be reported for all relevant subgroups, including minority and nonminority groups where differential validation is required. Whenever statistical adjustments are made in validity results for less than perfect reliability or for restriction of score range in the test or the criterion, or both, the supporting evidence from the validation study must be presented in detail. Furthermore, for each test that is to be established or continued as an operational employee selection instrument, as a result of the validation study, the minimum acceptable cutoff (passing) score on the test must be reported. It is expected that each operational cutoff score will be reasonable and consistent with normal expectations of proficiency within the work force or group on which the study was conducted.

¶ 4010.7

Sec. 1607.7. Use of Other Validity Studies.—In cases where the validity of a test cannot be determined pursuant to § 1607.4 and § 1607.5 (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (a) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to significantly affect validity. Any person citing evidence from other validity studies as evidence of test validity for his own jobs must substantiate in detail job comparability and must demonstrate the absence of contextual or sample differences cited in paragraphs (a) and (b) of this section.

¶ 4010.8

Sec. 1607.8. Assumption of Validity.—

(a) Under no circumstances will the general reputation of a test, its author or its publisher, or casual reports of test utility be accepted in lieu of evidence of validity. Specifically ruled out are: assumptions of validity based on test names or descriptive labels; all forms of promotional literature;

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data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

¶ 4010.9

Sec. 1607.9. Continued Use of Tests.—Under certain conditions, a person may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, determination of criterion-related validity in a specific setting is practicable and required but not yet obtained, the use of the test may continue: *Provided:* (a) The person can cite substantial evidence of validity as described in § 1607.7(a) and (b); and (b) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the person may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

¶ 4010.10

Sec. 1607.10. Employment Agencies and Employment Services.—(a) An employment service, including private employment agencies, State employment agencies, and the U. S. Training and Employment Service, as defined in section 701(c), shall not make applicant or employee appraisals or referrals based on the results obtained from any psychological test or other selection standard not validated in accordance with these guidelines.

(b) An employment agency or service which is requested by an employer or union to devise a testing program is required to follow the standards for test validation as set forth in these guidelines. An employment service is not relieved of its obligation herein because the test user did not request such validation or has requested the use of some lesser standard than is provided in these guidelines.

(c) Where an employment agency or service is requested only to administer a testing program which has been elsewhere devised, the employment agency or service

Employment Practices

shall request evidence of validation, as described in the guidelines in this part, before it administers the testing program and/or makes referral pursuant to the test results. The employment agency must furnish on request such evidence of validation. An employment agency or service will be expected to refuse to administer a test where the employer or union does not supply satisfactory evidence of validation. Reliance by the test user on the reputation of the test, its author, or the name of the test shall not be deemed sufficient evidence of validity (see § 1607.8(a)). An employment agency or service may administer a testing program where the evidence of validity comports with the standards provided in § 1607.7.

¶ 4010.11

Sec. 1607.11. Disparate Treatment.—The principle of disparate or unequal treatment must be distinguished from the concepts of test validation. A test or other employee selection standard—even though validated against job performance in accordance with the guidelines in this part—cannot be imposed upon any individual or class protected by Title VII where other employees, applicants or members have not been subjected to that standard. Disparate treatment, for example, occurs where members of a minority or sex group have been denied the same employment, promotion, transfer or membership opportunities as have been made available to other employees or applicants. Those employees or applicants who have been denied equal treatment, because of prior discriminatory practices or policies, must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon a class of individuals protected by Title VII who, but for prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

¶ 4010.12

Sec. 1607.12. Retesting.—Employers, unions, and employment agencies should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience. In particular, if any applicant or employee during the course of an interview or other employment procedure claims more education or experience, that individual should be retested.

¶ 4010.12

[¶ 4010.13]

Sec. 1607.13. Other Selection Techniques.

—Selection techniques other than tests, as defined in § 1607.2, may be improperly used so as to have the effect of discriminating against minority groups. Such techniques include, but are not restricted to, unscored or casual interviews and unscored application forms. Where there are data suggesting employment discrimination, the person may be called upon to present evidence concerning the validity of his unscored procedures as well as of any tests which may be used, the evidence of validity being of the same types referred to in §§ 1607.4 and 1607.5. Data suggesting the possibility of discrimination exist, for example, when there are differential rates of applicant rejection from various minority and non-minority or sex groups for the same job or group of jobs or when there are disproportionate representations of minority and nonminority or sex groups among present employees in different types of jobs. If the person is unable or unwilling to per-

form such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

[¶ 4010.14]

Sec. 1607.14. Affirmative Action.—Nothing in these guidelines shall be interpreted as diminishing a person's obligation under both Title VII and Executive Order 11246 as amended by Executive Order 11375 to undertake affirmative action to ensure that applicants or employees are treated without regard to race, color, religion, sex, or national origin. Specifically, the use of tests which have been validated pursuant to these guidelines does not relieve employers, unions or employment agencies of their obligations to take positive action in affording employment and training to members of classes protected by Title VII.

The guidelines in this part are effective upon publication in the FEDERAL REGISTER [35 F. R. 12333, August 1, 1970].

NEW YORK STATE CIVIL SERVICE LAW SECTION 35 (g)

The civil service of the state and each of its civil divisions shall be divided into the classified and unclassified service. The unclassified service shall comprise the following:

g. All persons employed in the public service as superintendents, principals, teachers, or by any title whatsoever, whose principal functions are teaching, or the supervision of teaching, in a public school, academy, or college, or in the state university. L.1958.c.790, eff. April 1, 1959.

NEW YORK STATE EDUCATION LAW SECTION 2573(5)

At the expiration of the probationary term of any persons appointment for such term, the superintendent of schools shall make a written report to the board of education recommending for permanent appointment those persons who have been found competent, efficient and satisfactory. Such persons and all others employed in the teaching, service of the schools of a city, who have served the full probationary period, or have rendered satisfactorily an equivalent period of service prior to June eighth, nineteen hundred seventeen, shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing as provided by section three thousand twenty-a of such law. In a city in which teachers did not have permanent tenure under the laws in force prior to June eighth, nineteen hundred seventeen, such teachers shall be entitled to receive permanent appointments after serving the probationary period fixed by the board of education as herein provided.

NEW YORK STATE EDUCATION LAW SECTION 2509

APPOINTMENT OF ASSISTANT AND OTHER SUPERINTENDENTS, TEACHERS
AND OTHER EMPLOYEES

1. (a) Teachers and all other members of the teaching staff, authorized by section twenty-five hundred three of this article shall be appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years or as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, the probationary period shall be limited to one year; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, and who was not dismissed from such district as a result of charges brought pursuant to subdivision one of section three thousand twenty-a of this chapter, the probationary period shall not exceed two years. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceeding the expiration of his probationary period.

BOARD OF EDUCATION
BUFFALO, NEW YORK

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RACIAL-ETHNIC GROUPS
1974-75

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May 1975

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CONTENTS

	<u>Page</u>
INTRODUCTION	1
HIGHLIGHTS	3
LIST OF TABLES	
TABLE	
I. Professional and Non-Professional Staff by Sex, 1974-75	8
II. Administrative Positions by Sex, 1974-75	8
III. Classroom Teachers by Sex, 1974-75	9
IV. Professional Staff by Racial-Ethnic Groups, 1974-75	10
V. Non-Professional Staff by Racial-Ethnic Groups, 1974-75	11
VI. Male Professional Staff by Racial-Ethnic Groups, 1974-75	12
VII. Female Professional Staff by Racial-Ethnic Groups, 1974-75	13
VIII. Male Non-Professional Staff by Racial-Ethnic Groups, 1974-75	14
IX. Female Non-Professional Staff by Racial-Ethnic Groups, 1974-75 ...	15
X. New Hires As a Percent of Total Staff	16
XI. Male New Hires As a Percent of Total Males, 1974-75	17
XII. Female New Hires As a Percent of Total Females, 1974-75	17
XIII. New Hires As a Percent of Total New Hires by Ethnic Group and Category, 1974-75	18
XIV. New Hires As a Percent of Total Male New Hires by Ethnic Group and Category, 1974-75	19
XV. New Hires As a Percent of Total Female New Hires by Ethnic Group and Category, 1974-75	20

INTRODUCTION

The purpose of this report is to show the distribution of Board of Education employees in activity assignment classifications by sex and racial-ethnic groups.

Data for this report has been taken from the 1974-75 Equal Employment Opportunity Commission Report School District Summary form. The School District Summary was compiled from forms completed in all individual schools and each department of the Central Office.

The term "category," as used in this report, means "activity assignment classification," a phrase used in the EEOC Report to group jobs of a similar nature.

Due to possible differences in interpretation of the various classifications within the EEOC Report, some figures in this report may not correspond with those shown in other school publications, and therefore caution is advised when using the numbers for specific purposes. It is recommended that percentages, rather than numbers, be used for comparison or analysis.

The following are definitions of assignment activities that are included in categories that may not be self-explanatory:

Psychological — Psychologists, psychometrists, psychiatrists and psychological social workers who are engaged in providing psychological-evaluative services to pupils

Consultants & Supervisors of Instruction — staff members who perform activities of leadership, guidance and expertise in a field of speciali-

zation for the purpose of improving the performance of teachers and other instructional staff members.

Other Professional Staff — non-classroom teachers who may teach the homebound, provide instruction for exceptional pupils released from regular classes for short periods of time, or instruct pupils in co-curricular activities. Also includes speech therapists, school social workers and attendance teachers.

Technicians — computer programmers and operators, film inspectors, draftsmen and dieticians.

Service Workers — staff members who perform a service for which there are no formal qualifications including paraprofessional and non-supervisory personnel in cafeteria or transportation services.

Skilled Crafts — occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairmen, electricians and carpenters.

Laborers — manual labor not classified in another activity assignment classification.

HIGHLIGHTS

The Buffalo Public Schools employ 4,018 full-time professional and 1,919 non-professional full-time staff. Almost 61.0% of the total full-time staff, or 3,614, are female employees. (Table I)

Though they represent approximately 39.0% of the total staff, men hold more than three-quarters of the administrative positions. There are almost three times as many male principals and assistant principals as there are female. (Table II)

There is a wide variance between male and female classroom teachers at the elementary and secondary levels. Of a total of 1,312 elementary classroom teachers, 15.4% are men. However, at the secondary level, men represent 56.5% of the total classroom teachers. There is a total of 2,651 men and women at both levels of which 36.1% are men and 63.9% are women.* (Table III)

When comparing the professional full-time staff in categories by racial-ethnic background, it can be noted the the White staff comprises 3,523, or 87.7% of the total 4,018, while Blacks comprise 455, or 11.3% of the total. Of the remaining minorities, Spanish-Speaking Americans comprise the largest group at 0.8% of the total. (Table IV)

The "Elementary Classroom Teachers" category has a representation from all racial-ethnic groups. The assignment classifications that contain the largest percentage of Blacks are the classroom teacher groups with 11.3% of

* The totals and percentages do not take into account "Other Classroom Teachers," as shown in Table III, because that category is not broken down into elementary and secondary levels.

the total classroom teaching staff. Blacks are the only racial-ethnic minority serving as principals or assistant principals and comprise 11.4% of the present total of 167. American Indians and Asian-Americans each represent 0.1% of the elementary and secondary classroom teaching staffs. The "Psychological" category, with a staff of 21, is the only classification that is 100.0% White.

A comparison of white and minority non-professional full-time staff shows that white employees represent 70.5% of the total 1,919 member staff. The "Teacher and School Aides" category shows a representation of all groups. The largest grouping of Black non-professionals is in the "Teacher and School Aides" category where they constitute 57.4% of the total. (Table V)

In the comparison of white and minority males in professional categories, the largest number of each group falls into the "Secondary Classroom Teachers" classification. There are 712 White males, or 94.2% of the total 756 in this category: 40 Blacks, 5.3%; 3 Spanish-Speaking Americans, 0.4%; and 1 American Indian, 0.1%. No minority males are employed in the "Psychological" and "Librarian/Audio-Visual" categories. There are 116 minority males, or 7.2% of the 1,618 total male employees in professional categories. (Table VI)

Almost half of the 2,400 females employed by the Board of Education in professional categories are "Elementary Classroom Teachers" and 85.2% of this category is White. There are 153 Black females in this grouping and they are 13.8% of the total. (Table VII)

The category with the highest percentage of minority female professionals is "Principals" and Black personnel are 34.8% of the total.

There are 705 males in non-professional activity assignment categories

of whom 77 are Black, 2 Spanish-Speaking and 2 American Indian. The "Technicians" and Clerical/Secretarial Staff" are 100.0% White, while eighty percent of the males in the "Teacher and School Aides" groupings are Black. Minorities constitute 11.5% of the total, but if "Teacher and School Aides" are excluded, minorities constitute 4.0% of the total. (Table VIII)

The major representation of non-professional minority females is in the category of "Teacher and School Aides." There are 394 female minority teacher aides, or 63.8% of the total 618 aides. Blacks are the largest minority group represented in the category with 340, or 55.0% of the total. It is interesting to note that White females are in the minority in the "Teacher and School Aides" category as their male counterparts, with 224, or 36.2% of the total. There is just one female in the "Skilled Crafts" category and none in the "Laborers, Unskilled." (Table IX)

Of the 5,937 full-time professional and non-professional employees of the Board of Education, 359 were hired between July 1, 1974 and October 1, 1974 and are classified "New Hires." This represents 6.0% of the total work force. The "Classroom Teachers" category showed the largest number of "New Hires." There were 187 new teachers hired between July 1, 1974 and October 1, 1974 representing 6.1% of the total 3,258. The "Officials, Administrators, Managers" and "Principals/Assistant Principals" categories showed no new hires during that period. The "Other Professional Staff" category accounted for 71 new hires, or 9.7% of the total full-time staff in that category. (Table X)

Eighty, or 3.4% of the males employed by the Board of Education are new hires. The "Classroom Teachers" category, with 1,135 had the largest increase

in number and percentage of male new hires, 52, which is 4.6% of that total. The Non-Professional Male categories showed 2.3% new hires with 16 of the total 705. (Table XI)

Of the 3,614 female employees of the Board of Education, 279 were new hires, constituting 7.7% of the total staff. The "Classroom Teachers" category had the largest number of new hires, 155, which represent 7.0% of the total. The largest percentage of new hires was in "Other Professional Staff" at 14.4%, which represented 59 of 411 employees. Table XII)

Whites are 82.1% of the Board employees but represented 72.4% of the total new hires, while Blacks are 16.2% of the work force and showed 23.4% of the total new hires. (Table XIII)

The largest number of new hires from a minority group was 41 Blacks in the Non-Professional Staff categories. This represented 40.6% of all the new hires in those categories. There were no Asian-Americans among the new hires. White males and females are represented in all categories which showed new hires.

In the categories of Classroom Teachers, there were 187 new hires, of which almost 75.0% were females. White males composed 78.8% of the total, 52 new male teachers, while Blacks showed the largest minority new hires with 17.3% of the total. The only other minority male representation was Spanish-Speaking Americans, at 3.9%. (Table XIV) The White female new classroom teacher represented 76.3% of the total 135. The Black women fared better than their male counterparts, representing 20.0% of the total new hires in that category. (Table XV)

In the category of "Other Professional Staff," women again had a greater number and percentage of new hires than men in all ethnic groups where there was representation. White males in that category were 100.0% of the total males. Their female counterparts were 88.1% of the total females. Black females showed the largest representation of minorities with 11.9% of the total. There was no other representation of minority groups within this category.

In the Non-Professional Staff categories, females again represented a majority of the total new hires in that category. Minority females were 53.0% of the total, while white females accounted for the remaining 47.0%. This was not the case with their male counterparts. There were 75.0% white males and 25.0% minority males in new hires in this group. There was no representation of minority groups other than Blacks in this category for males; conversely, for females, Spanish-Speaking Americans represented 7.1% of the total, and American Indians 2.4% of the total new hires for non-professionals.

Female minorities represented 30.1% of the female new hires, while minority males represented 18.8% of the male new hires. Female new hires represented 77.1% of the total new hires, while males represented 22.3%.

TABLE I

Professional and Non-Professional
Staff by Sex, 1974-75

CATEGORY	MALE		FEMALE		TOTAL	
	NO.	PERCENT	NO.	PERCENT	NO.	PERCENT
Professional	1,618	40.3%	2,400	59.7%	4,018	67.7%
Non-Professional	705	36.7	1,214	63.3	1,919	32.3
Total	2,323	39.1%	3,614	60.9%	5,937	100.0%

TABLE II

Administrative Positions by Sex, 1974-75

CATEGORY	MALE		FEMALE		TOTAL	
	NO.	PERCENT	NO.	PERCENT	NO.	PERCENT
Officials, Administrators, Managers*	39	79.6%	10	20.4%	49	22.7%
Principals	63	73.3	23	26.7	86	39.8
Assistant Principals	57	70.4	24	29.6	81	37.5
Total	159	73.6%	57	26.4%	216	100.0%

* Superintendent, deputy, associate and assistant
superintendents of schools, school business officials
and other administrative staff

TABLE III

Classroom Teachers by Sex, 1974-75

CATEGORY	MALE		FEMALE		TOTAL	
	NO.	PERCENT	NO.	PERCENT	NO.	PERCENT
Elementary	202	15.4%	1,110	84.6%	1,312	42.8%
Secondary	756	56.5	583	43.5	1,339	43.7
Other Classroom Teachers*	177	42.5	239	57.5	416	13.5
Total	1,135	37.0%	1,932	63.0%	3,067	100.0%

* Full-time classroom teachers who teach ungraded classes, special education, art, music, band, physical education, home economics, etc. and who have not been reported in the elementary or secondary classroom teacher category



TABLE IV

Professional Staff by Racial-Ethnic Groups, 1974-75

CATEGORY	White		Black		Spanish-Speaking American		Asian-American		American Indian		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Officials, Administrators, Managers	36	73.5%	11	22.4%	2	4.1%	0	0.0%	0	0.0%	49	1.2%
Principals	71	82.6	15	17.4	0	0.0	0	0.0	0	0.0	86	2.2
Assistant Principal	77	95.1	4	4.9	0	0.0	0	0.0	0	0.0	81	2.0
Elementary Classroom Teachers	1,128	86.0	170	13.0	11	0.3	1	0.1	2	0.1	1,312	32.7
Secondary Classroom Teachers	1,205	90.0	122	9.1	10	0.7	1	0.1	1	0.1	1,339	33.3
Other Classroom Teachers	358	86.1	56	13.5	2	0.4	0	0.0	0	0.0	416	10.4
Guidance	113	86.9	16	12.3	1	0.8	0	0.0	0	0.0	130	3.2
Psychological	21	100.0	0	0.0	0	0.0	0	0.0	0	0.0	21	0.5
Librarian/Audio-Visual	53	93.0	4	7.0	0	0.0	0	0.0	0	0.0	57	1.4
Consultants & Supervisors of Instruction	68	80.0	14	16.5	3	3.5	0	0.0	0	0.0	85	2.1
Other Professional Staff	393	88.9	43	9.7	3	0.7	0	0.0	3	0.7	442	11.0
Total	3,523	87.7%	455	11.3%	32	0.8%	2	0.1%	6	0.1%	4,018	100.0%

TABLE V

Non-Professional Staff by Racial-Ethnic Groups, 1974-75

CATEGORY	White		Black		Spanish-Speaking American		Asian-American		American Indian		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Teacher and School Aides	236	34.6%	392	57.4%	49	7.2%	1	0.1%	5	0.7%	683	35.6%
Technicians	31	96.9	1	3.1	0	0.0	0	0.0	0	0.0	32	1.7
Clerical/Secretarial Staff	321	90.4	31	8.7	2	0.6	0	0.0	1	0.3	355	18.5
Service Workers	555	87.9	74	11.7	1	0.2	1	0.2	0	0.0	631	32.9
Skilled Crafts	167	97.6	2	1.2	0	0.0	0	0.0	2	1.2	171	8.9
Laborers, Unskilled	43	91.5	4	8.6	0	0.0	0	0.0	0	0.0	47	2.4
Total	1,353	70.5%	504	26.3%	52	2.7%	2	0.1%	8	0.4%	1,919	100.0%

TABLE VI

Male Professional Staff by Racial-Ethnic Groups, 1974-75

CATEGORY	White		Black		Spanish-Speaking American		Asian-American		American Indian		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Officials, Administrators, Managers	30	76.9%	8	20.5%	1	2.6%	0	0.0%	0	0.0%	39	2.4%
Principals	56	88.9	7	11.1	0	0.0	0	0.0	0	0.0	63	3.9
Assistant Principals	55	96.5	2	3.5	0	0.0	0	0.0	0	0.0	57	3.5
Elementary Classroom Teachers	182	90.1	17	8.4	3	1.5	0	0.0	0	0.0	202	12.5
Secondary Classroom Teachers	712	94.2	40	5.3	3	0.4	0	0.0	1	0.1	756	46.7
Other Classroom Teachers	165	93.2	11	6.2	1	0.6	0	0.0	0	0.0	177	10.9
Guidance	73	93.6	5	6.4	0	0.0	0	0.0	0	0.0	78	4.8
Psychological	14	100.0	0	0.0	0	0.0	0	0.0	0	0.0	14	0.9
Librarian/Audio-Visual	18	100.0	0	0.0	0	0.0	0	0.0	0	0.0	18	1.1
Consultants & Supervisors of Instruction	32	91.4	3	8.6	0	0.0	0	0.0	0	0.0	35	2.2
Other Professional Staff	165	92.2	12	6.7	0	0.0	0	0.0	2	1.1	179	11.1
Total	1,502	92.8%	105	6.5%	8	0.5%	0	0.0%	3	0.2%	1,618	100.0%

TABLE VII

Female Professional Staff by Racial-Ethnic Groups, 1974-75

CATEGORY	White		Black		Spanish-Speaking American		Asian-American		American Indian		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Officials, Administrators, Managers	6	60.0%	3	30.0%	1	10.0%	0	0.0%	0	0.0%	10	0.4%
Principals	15	65.2	8	34.8	0	0.0	0	0.0	0	0.0	23	0.9
Assistant Principals	22	91.7	2	8.3	0	0.0	0	0.0	0	0.0	24	0.9
Elementary Classroom Teachers	946	85.2	153	13.8	8	0.7	1	0.2	2	0.1	1,110	46.3
Secondary Classroom Teachers	493	84.6	82	14.1	7	1.2	1	0.1	0	0.0	583	24.3
Other Classroom Teachers	193	80.8	45	18.8	1	0.4	0	0.0	0	0.0	239	10.0
Guidance	40	76.9	11	21.2	1	1.9	0	0.0	0	0.0	52	2.2
Psychological	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0	7	0.3
Librarian/Audio-Visual	35	89.7	4	10.3	0	0.0	0	0.0	0	0.0	39	1.6
Consultants & Supervisors of Instruction	36	72.0	11	22.0	3	1.0	0	0.0	0	0.0	50	2.1
Other Professional Staff	228	86.7	31	11.8	3	1.1	0	0.0	1	0.4	263	11.0
Total	2,021	84.2%	350	14.6%	24	1.0%	2	0.1%	3	0.1%	2,400	100.0%

TABLE VIII

Male Non-Professional Staff by Racial-Ethnic Groups, 1974-75

CATEGORY	White		Black		Spanish-Speaking American		Asian-American		American Indian		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Teacher and School Aides	12	18.5%	52	80.0%	1	1.5%	0	0.0%	0	0.0%	65	9.2%
Technicians	17	100.0	0	0.0	0	0.0	0	0.0	0	0.0	17	2.4
Clerical/Secretarial Staff	39	100.0	0	0.0	0	0.0	0	0.0	0	0.0	39	5.5
Service Workers	347	94.6	19	5.2	1	0.2	0	0.0	0	0.0	367	52.1
Skilled Crafts	166	97.6	2	1.2	0	0.0	0	0.0	2	1.2	170	24.1
Laborers, Unskilled	43	91.5	4	8.5	0	0.0	0	0.0	0	0.0	47	6.7
Total	624	88.5%	77	10.9%	2	0.3%	0	0.0%	2	0.3%	705	100.0%

TABLE IX

Female Non-Professional Staff by Racial-Ethnic Groups, 1974-75

CATEGORY	White		Black		Spanish-Speaking American		Asian American		American Indian		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Teacher and School Aides	224	36.2%	340	55.0%	48	7.8%	1	0.2%	5	0.8%	618	50.9%
Technicians	14	93.3	1	6.7	0	0.0	0	0.0	0	0.0	15	1.2
Clerical/Secretarial	282	89.2	31	9.8	2	0.7	0	0.0	1	0.3	316	26.0
Service Workers	208	78.8	55	20.8	0	0.0	1	0.4	0	0.0	264	21.8
Skilled Crafts	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	1	0.1
Laborers, Unskilled	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	729	60.0%	427	35.2%	50	4.1%	2	0.2%	6	0.5%	1,214	100.0%

TABLE X

New Hires As a Percent of Total Staff

CATEGORY	Total Full-Time Staff	New Hires	
	Number	Number	Percent
Officials, Administrators, Managers	49	0	0.0%
Principals/Assistant Principals	167	0	0.0
Classroom Teachers	3,067	187	6.1
Other Professional Staff	735	71	9.7
Non-Professional Staff	1,919	101	5.3
Total	5,937	359	6.0%

TABLE XI

Male New Hires As a Percent of Total Males, 1974-75

CATEGORY	Total Full-Time Staff	New Hires	
	Number	Number	Percent
Officials, Administrators, Managers	39	0	0.0%
Principals/Assistant Principals	120	0	0.0
Classroom Teachers	1,135	52	4.6
Other Professional Staff	324	12	3.7
Non-Professional Staff	705	16	2.3
Total	2,323	80	3.4%

TABLE XII

Female New Hires As a Percent of Total Females, 1974-75

CATEGORY	Total Full-Time Staff	New Hires	
	Number	Number	Percent
Officials, Administrators, Managers	10	0	0.0%
Principals/Assistant Principals	47	0	0.0
Classroom Teachers	1,932	135	7.0
Other Professional Staff	411	59	14.4
Non-Professional Staff	1,214	85	7.0
Total	3,614	279	7.7%

TABLE XIII

New Hires As a Percent of Total New Hires
by Ethnic Group and Category, 1974-75

CATEGORY	White	Black	Spanish- Speaking American	Asian- American	American Indian	TOTAL
	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires
Classroom Teachers	77.0%	19.3%	3.2%	0.0%	0.5%	100.0%
Other Professional Staff	90.1	9.9	0.0	0.0	0.0	100.0
Non-Professional Staff	51.5	40.6	5.9	0.0	2.0	100.0
Total	72.4%	23.4%	3.4%	0.0%	0.8%	100.0%

TABLE XIV

New Hires As a Percent of Total Male New Hires
by Ethnic Group and Category, 1974-75

CATEGORY	White	Black	Spanish-Speaking American	Asian-American	American Indian	TOTAL
	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires
Classroom Teachers	78.8%	17.3%	3.9%	0.0%	0.0%	100.0%
Other Professional Staff	100.0	0.0	0.0	0.0	0.0	100.0
Non-Professional Staff	75.0	25.0	0.0	0.0	0.0	100.0
Total	81.2%	16.3%	2.5%	0.0%	0.0%	100.0%

TABLE XV

New Hires As a Percent of Total Female New Hires
by Ethnic Group and Category, 1974-75

CATEGORY	White	Black	Spanish-Speaking American	Asian-American	American Indian	TOTAL
	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires	Percent New Hires
Classroom Teachers	76.3%	20.0%	3.0%	0.0%	0.7%	100.0%
Other Professional Staff	88.1	11.9	0.0	0.0	0.0	100.0
Non-Professional Staff	47.0	43.5	7.1	0.0	2.4	100.0
Total	69.9%	25.4%	3.6%	0.0%	1.1%	100.0%